

Panama Canal Commission

3514.205-1

PART 3514—SEALED BIDDING

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AUTHORITY: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

SOURCE: 55 FR 7647, Mar. 2, 1990, unless otherwise noted.

3514.000 Scope of part.

This part implements and supplements FAR part 14 by providing additional solicitation provisions and additional guidance on establishment of solicitation mailing lists, cancellation of invitations after opening, mistakes in bids, and contract award.

Subpart 3514.2—Solicitation of Bids

3514.201-6 Solicitation provisions.

(a) In addition to the provisions prescribed in FAR 14.201-6, the contracting officer shall insert in all invitations for bids the provisions at—

(1) 3552.214-70, Price—Sealed Bidding; and

(2) 3552.214-73, Caution—Sealed Bidding.

(b) The contracting officer shall insert the following provisions in all invitations for bids for construction. These provisions may also be used in invitations for bids for supplies or services if the contracting officer determines that their use is appropriate:

(1) 3552.214-71, Additional Data To Be Submitted.

(2) 3552.214-72, Rejection of Bids.

(c) The contracting officer shall insert the provision at 3552.214-74, All or None Award—Sealed Bidding, in invitations for bids for supplies or services if the contracting officer determines that award will be made on an “all or none” basis to one bidder for all items because of the nature of the items (e.g., supply items must interface or otherwise be fully compatible with each other; items covering services are so interrelated that it would be impracticable to split the award).

(d)(1) The contracting officer shall insert the provision at 3552.214-75, All or None Award—Sealed Bidding—Construction, in invitations for bids for construction work that is estimated to exceed \$10,000 if the contracting officer determines:

(i) To require bidding on all items, and

(ii) That award will be made on an “all or none” basis to one bidder for all items.

(2) If the construction work is not estimated to exceed \$10,000, the contracting officer shall use the Alternate I version of provision 3552.214-75.

(3) If the contracting officer determines that:

(i) The contract work, regardless of its estimated value, will be awarded to one bidder for all the work, and

(ii) Bidding on all items will not be required, the Alternate II version of provision 3552.214-75 is to be used.

[55 FR 7647, Mar. 2, 1990; 55 FR 38331, Sept. 18, 1990]

3514.205 Solicitation mailing lists.

3514.205-1 Establishment of lists.

(a) Each Commission contracting activity shall establish solicitation mailing lists as required by FAR 14.205-1.

(b) In order to carry out the requirements of the Treaty to give preference to the acquisition of supplies and services obtainable from sources in the Republic of Panama, each Commission contracting activity shall develop solicitation lists of local companies which can provide such supplies or services.

Subpart 3514.4—Opening of Bids and Award of Contract

3514.404 Rejection of bids.

3514.404-1 Cancellation of invitations after opening.

(c) The Procurement Executive, upon recommendation of the cognizant HCA, is authorized to make the determinations prescribed in FAR 14.404-1(c) when an invitation is to be cancelled and all bids rejected after bid opening but prior to award.

(e)(1) The Procurement Executive, upon recommendation of the cognizant HCA, may authorize the contracting officer to complete the acquisition through negotiation in the determination to cancel the invitation for bids when the conditions in FAR 14.404-1(c) (6) or (7) apply.

3514.406 Mistakes in bids.

3514.406-3 Other mistakes disclosed before award.

The cognizant HCA is delegated the authority to make the administrative determinations in connection with mistakes in bids prior to award. This authority may not be redelegated. The General Counsel must review and concur with all determinations under FAR 14.406-3.

3514.406-4 Mistakes after award.

(b) The cognizant HCA is authorized to make determinations on mistakes in bids disclosed after award. The General Counsel must review and concur with all determinations made under FAR 14.406-4.

3514.407 Award.

3514.407-1 General.

(a) The contracting officer shall make a contract award to that responsible bidder whose bid, conforming to the invitation, will be most advantageous to the Government, considering only the price and price-related factors contained in FAR 14.201-8. Particular attention shall be paid in supply contracts to evaluation of transportation costs to ensure that the award is made to the lowest overall responsive and responsible bidder.

3514.407-6 Equal low bids.

(a) Contracts shall be awarded in the following order of priority when two or more low bids are equal in all respects:

(1) Preference shall be given to the bidder whose supplies or services are obtainable in the Republic of Panama;

(2) When two or more bidders offer supplies or services obtainable in Panama, preference shall be given to the bidder whose bid has a larger percentage of components of Panamanian origin;

(3) If two or more bidders remain equally low after application of paragraphs (a) (1) and (2) of this subsection, the tie-breaking procedures prescribed in FAR 14.407-6(b) shall be followed;

(4) The order of precedence established in FAR 14.407-6 (a) and (b).

(c) When award is made by using the priorities under this 3514.407-6, the contracting officer shall incorporate the written agreement prescribed in FAR 14.407-6(c) in the contract.

PART 3515—CONTRACTING BY NEGOTIATION

Sec.

3515.000 Scope of part.

Subpart 3515.4—Solicitation and Receipt of Proposals and Quotations

3515.407 Solicitation provisions.

Subpart 3515.5—Unsolicited Proposals

3515.500 Scope of subpart.

3515.502 Policy.

3515.503 General.

3515.504 Advance guidance.

3515.506 Agency procedures.

3515.506-1 Receipt and initial review.

3515.506-2 Evaluation.

3515.507 Contracting methods.

3515.508 Prohibitions.

Subpart 3515.8—Price Negotiation

3515.802 Policy.

3515.804 Cost or pricing data.

3515.804-2 Requiring certified cost or pricing data.

3515.804-3 Exemptions from or waiver of submission of certified cost or pricing data.

3515.804-6 Procedural requirements.

Subpart 3515.9—Profit

3515.902 Policy.